	Case 2:05-cv-01506-MJP Document 37 Filed 10/03/06 Page 1 of 2
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04	LINETED OF A TEC DIOTRICE COLID.
05	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE
07	JOSEPH ELIJAH AGEE, ) CASE NO. C05-1506-MJP
08	Plaintiff, ) )
09	v. ) ORDER DISMISSING § 1983 ACTION )
10	SHANE STEVENSON, et al., )
11	Defendants. ) )
12	
13	The Court, having reviewed defendants' motion for summary judgment and motion to
14	dismiss, the Report and Recommendation of the Honorable Mary Alice Theiler, United States
15	Magistrate Judge, any objections thereto, and the balance of the record, does hereby ORDER:
16	(1) The Court adopts the Report and Recommendation;
17	(2) Defendants' motion for summary judgment (Dkt. #28) is GRANTED. The
18	complaint and this § 1983 action are DISMISSED as frivolous. See 28 U.S.C. §
19	1915(e)(2)(B)(i);
20	(3) Defendant Duffy's motion to dismiss (Dkt. #31) is DENIED as moot;
21	(4) This dismissal shall count as a dismissal under 28 U.S.C. § 1915(g); and
22	///
	ORDER DISMISSING § 1983 ACTION PAGE -1

	Case 2:05-cv-01506-MJP Document 37 Filed 10/03/06 Page 2 of 2
01	(5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
02	defendants, and to Judge Theiler.
03	DATED this _2 <sup>nd</sup> day ofOctober, 2006.
04	$\rightarrow$
05	Marshy Melens
06	Marsha J. Pechman U.S. District Judge
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	ORDER DISMISSING 8 1983 ACTION

PAGE -2